

Ministry of Long-Term Care
Long-Term Care Operations Division
Long-Term Care Inspections Branch

London District
130 Dufferin Avenue, 4th Floor
London, ON, N6A 5R2
Telephone: (800) 663-3775

Original Public Report	
Report Issue Date: August 10, 2023	
Inspection Number: 2023-1178-0005	
Inspection Type: Complaint Critical Incident System	
Licensee: Omni Healthcare (Lambton) Limited Partnership, by its general partner, Omni Healthcare (Lambton) GP Ltd.	
Long Term Care Home and City: Bear Creek Terrace, Petrolia	
Lead Inspector Debra Churcher (670)	Inspector Digital Signature
Additional Inspector(s) Terri Daly (115) Stacey Sullo (000750)	

INSPECTION SUMMARY
<p>The inspection occurred onsite on the following date(s): July 31, 2023 and August 1, 2, 2023. The inspection occurred offsite on the following date(s): August 3, 4, and 8, 2023.</p> <p>The following intake(s) were inspected:</p> <ul style="list-style-type: none"> • Intake: #00087542 related to responsive behaviors. • Intake: #00088684 complaint related to staffing.

The following **Inspection Protocols** were used during this inspection:

- Housekeeping, Laundry and Maintenance Services
- Infection Prevention and Control
- Responsive Behaviours
- Prevention of Abuse and Neglect
- Staffing, Training and Care Standards
- Reporting and Complaints

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Resident Charges and Trust Accounts

INSPECTION RESULTS

COMPLIANCE ORDER CO #001 Beds Allowed Under License

NC #001 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: FLTCA, 2021, s. 107 (1)

The inspector is ordering the licensee to comply with a Compliance Order [FLTCA, 2021, s. 155 (1) (a)]:

Specifically the Licensee must:

- Immediately cease admitting any resident into any bed above and beyond what is allowed under the home's license of 128 beds.
- Work with community partners to get two specific residents currently occupying unlicensed beds, placed into appropriate, licensed Long Term Care beds as soon as possible.
- Retain all documentation related to placement efforts and have documentation onsite and readily available.

Grounds

The licensee has operated more beds in a long-term care home than are allowed under the license for the home or under the terms of a temporary license issued under section 114 or a temporary emergency license issued under section 115.

Rationale and Summary

During an interview with the Director of Care (DOC) they stated that the home had 128 licensed Long Term Care beds and 3 unfunded respite beds for a total of 131 beds. The DOC shared that 2 of the 3 respite beds were currently filled.

Review of two resident records showed that they were admitted into unlicensed beds in the Long Term Care home.

During an interview with a Home and Community Support Services Manager (HCSSM) they acknowledged that the two residents were not admitted to any licensed beds.

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During an interview with the Administrator they shared that the residents occupying the respite beds were cared for by the Long Term Care staff and receive the same meals as residents in licensed Long Term Care beds.

Review of the homes current licenses showed License #2673-L03, 32 beds, issued March 31, 2023, with an expiry date of June 30, 2035, and License #2673-L04, 96 beds, issued March 31, 2023, with an expiry date of January 27, 2044 for a total of 128 licensed beds.

Sources

Interview with the Administrator, DOC, HCCSS Manager, two resident's record and billing review and License review.

[670]

This order must be complied with by November 9, 2023

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REVIEW/APPEAL INFORMATION

TAKE NOTICE

The licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Penalty (AMP) in accordance with section 169 of the Fixing Long-Term Care Act, 2021 (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB). The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP in respect of which the review is requested;
- (b) any submissions that the licensee wishes the Director to consider; and
- (c) an address for service for the licensee.

The written request for review must be served personally, by registered mail, email or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.
- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

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If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this(these) Order(s) is(are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act.
- (b) An AMP issued by the Director under section 158 of the Act.
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the licensee decides to request an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:

Health Services Appeal and Review Board

Attention Registrar
151 Bloor Street West, 9th Floor
Toronto, ON, M5S 1S4

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th Floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.